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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES H. JACOBS, AS TRUSTEE OF
THE JAMES H. JACOBS TRUST, and
HARRIS, N.A., AS TRUSTEE OF THE
ESTATE OF WARREN CASEY, ON BEHALF
OF THEMSELVES AND OTHERS SIMILARLY
SITUATED,

ORDER

06 Civ. 0606 (DAB)

Plaintiffs,

-against-

CARNIVAL CORPORATION, CARNIVAL
CRUISE LINES, CARNIVAL PLC,
CELEBRITY CRUISES, INC., HOLLAND
AMERICA LINE, INC., PRINCESS CRUISE
LINES, LTD., ROYAL CARIBBEAN
CRUISES, LTD., and JOHN DOES 1
through 100,

Defendants.

-----X
DEBORAH A. BATTS, United States District Judge.

On March 25, 2009, the Court dismissed the Complaint with
leave to replead. On April 27, 2009, Plaintiffs filed the First
Amended Complaint. On June 26, 2009, all named Defendants moved
to dismiss the First Amended Complaint,¹ again on jurisdictional
grounds. The Court agrees with the Defendants that the
Plaintiffs have not made a showing of any of the allegedly

¹Two separate Motions to Dismiss were filed by Defendants on
June 26, 2009. Defendants Royal Caribbean Cruises Ltd. and
Celebrity Cruises Inc. filed a Motion to Dismiss the Amended
Complaint and Alternate Motion to Sever and Transfer (Docket
92), and Defendants Carnival Corporation, Carnival Cruise
Lines, Carnival PLC, Holland America Line Inc. and Princess
Cruise Lines, Ltd. filed a separate Motion to Dismiss
(Docket # 96).

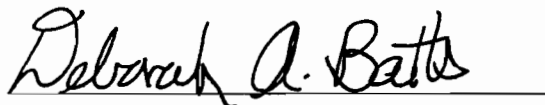
infringing performances taking place within the territorial waters of the United States.

Defendants' Motions to Dismiss the First Amended Complaint are DENIED at this time. Within 90 days of the date of this Order, the Parties are to complete discovery limited solely to the jurisdictional issue. Within 120 days of the date of this Order, if Plaintiffs are going to file a Second Amended Complaint, they must do so at that time. Within 150 days of the date of this Order, if Plaintiffs have amended the Complaint, the Defendants shall answer or move against it. Failure of the Plaintiffs to file a Second Amended Complaint within this timetable shall result in the case being dismissed with prejudice.

To facilitate the completion of discovery on the jurisdictional question only within the 90 day period set by the Court, the Court hereby refers this case to Magistrate Judge Francis for supervision of discovery.

SO ORDERED.

Dated: New York, New York
March 1, 2010

A handwritten signature in black ink, reading "Deborah A. Batts", is written over a horizontal line.

Deborah A. Batts
United States District Judge